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| 09/872,169      | 06/01/2001  | Seda Taysi           | 60612-300301        | 8768             |

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06/24/2004

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| EXAMINER |
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FISCHETTI, JOSEPH A

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/872,169

**Applicant(s)**

TAYSI, SEDA

CB

**Examiner**

Joseph A. Fischetti

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/23/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,5-9,12,14-17 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,10,11,13 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

Claims 1,2,5-9,12,14-17,21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4/23/2004.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,10,11,13,18,19,20 ARE rejected under 35 U.S.C. 103(a) as being unpatentable over Pfenninger et al. in view of Miller.

Pfenninger et al. disclose creating at least one online questionnaire (survey col. 4 lines 4-9) residing on a web site (web server 16 and database 12 provide a website) and wherein access to said web site is protected by at least an interviewee specific password (website defined as the survey questions which are accessed using a valid ID col. 5 lines 34-36), providing management tools to an administrator managing said online questionnaire process wherein said management tools includes providing a tracking tool allowing the administrator to track the progress of the completion of said questionnaire by each interviewee (see col. 8 lines,20-30 for the disclosure of a status

page tracking the number of completed tests). Pfenninger et al. do disclose providing data organization tools allowing the administrator to document and determine results based on the response data collected from interviewee questionnaire( col. 7, lines15-22). However the documentation does not mention tax appraisal of the given tested.

Miller does disclose using questionnaire information to evaluate a person's tax exposure. It would be obvious to use the method of Pfenninger et al. to include a tax assessment mode since the Pfennijnger et al is to provide remote access to information for evaluation purposes the motivation being the remote evaluation and assessment of information.

Re claim 4: as set forth above , Pfenninger et al. disclose at least one online questionnaire residing on a password protected web site; providing administration tools for organizing and documenting said tax data; providing report generating tools (col. 7 line 44). However the application to a tax data application is not specifically disclosed. But Miller does disclose using questionnaire information to evaluate a person's tax exposure. It would be obvious to use the method of Pfenninger et al. to include a tax assessment mode which includes using said report generating tool and said tax data to generate reports used in documenting and determining tax credit since the Pfennijnger et al provides remote access to information for evaluation purposes the motivation being the remote evaluation and assessment of information.

RE claim 10: the pre-populated data in said questionnaires general information section is read as the pre-selected subject matter of the survey used.

Re claim 11: see valid ID col. 5 lines 34-36 for access.

Re claim 13. See col. 10 lines 55-62 for concurrent review of survey responses by administrator.

Re claim 18: see col. 5 lines 25-32 for disclosure of URL with embedded link in email message answering using IP addresses and limiting access by assigning interviewee specific passwords.

Re claim 19: the tester assignment page 110 allows notice of users.

Re claim 20: Official Notice is taken with respect to the old and notorious use of instructions in administering a survey questions.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number (703) 305-0731.

